

FINAL STATEMENT OF REASONS

The Office of the State Fire Marshal has no update to the Initial Statement of Reasons and recommends approval of the proposed regulatory action.

The listing service provides a valuable resource to all plan check and inspection staff, architects, engineers, local fire and building officials and other state agencies by insuring that "listed" products used throughout California have met recognized fire related performance standards; thus eliminating the need for verification by all parties concerned with its performance. The State Fire Marshal (SFM) listing service also was designed to provide the building regulatory authorities, architectural and engineering communities, contractors, industry and the fire service with a reliable and readily available source of information concerning construction materials, equipment, methods of construction and installation of equipment, commonly used in the construction of occupancies regulated by the model building codes, and local and/or state building standards.

The State Fire Marshal's Building Materials Listing Program (BML) was originally established to implement Section 13114 of the California Health and Safety Code. The current regulations for SFM construction materials and equipment listings have been in place for a number of years. Since the SFM listings play a major part in the approval process for building construction, the demand for these listings are great. Industry has expressed concerns regarding the distribution, access and availability of these listings. Some have had problems with plans being rejected since the listings were not available or outdated. This problem has become costly for the industry.

To accommodate the industry concern, posting the SFM listings on the Internet is the solution. In order to achieve this, the listing fee (renewal fee only) will need to be raised to cover the cost. The listing fee has not been increased for at least 15 years. This fee was set up to provide adequate funding for the program at the time. With the SFM listings available through the Internet, the industry, contractors, engineers, architects and state and local authorities having jurisdiction (AHJ) can access the SFM listings more efficiently. This service will take care of most of the problems that have occurred in the past.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

SUMMARY OF COMMENTS RECEIVED DURING THE ORIGINAL NOTICE PERIOD OF NOVEMBER 24, 2000 THROUGH JANUARY 10, 2001 WITH AGENCY RESPONSES:

Comment No. 1: Mr. John Kuivinen of Linear stated that the additional costs (\$30.00 per listing) would limit the availability of new products and the entry of equipment from smaller manufacturers into California's market.

Mr. Kuivinen also indicated that other states do not have requirements for special listings of products. The State Fire Marshal (SFM) should accept all listings from nationally recognized testing laboratories, such as Underwriters Laboratories, Inc. (UL).

Response: The SFM disagrees with Mr. Kuivinen's first comment. The proposed listing fee increase is just a small fraction compared to the listing charged by the testing laboratories. With the extra fee, their SFM listings will be available through the Internet. Many companies list their products with the SFM for marketing reasons.

Mr. Kuivinen's second comment is irrelevant to the annual renewal fee increase; however, the SFM will respond. California Health and Safety Code §13114(b) requires fire alarm products to be listed by the SFM prior to marketing in California. The listing service was created to implement this section of the law. Nationally recognized testing laboratories test products based upon nationally recognized standards. In California, the SFM often amends the nationally recognized standards, adopting them into state regulations. A listing of a product from a nationally recognized testing laboratory does not guarantee a listing by the SFM unless it also is in compliance with California regulations.

Comment No. 2: Mr. Chuck Schneider of Air Balance, Inc., stated that the fee increase defrays costs of the program to the SFM. He sees no benefit in SFM listings and also indicated that California is the only state requiring these listings.

Response: The SFM disagrees with these comments. The purpose of the fee increase is to pay for the cost of posting the SFM listings on the Internet. Health and Safety Code §13114(b) only requires fire alarm products to be listed by the SFM prior to marketing in California. Mr. Schneider's products are fire dampers, which are not mandated by this law to be listed. Listing of this product is strictly voluntary.

ALTERNATIVES DETERMINATION

The Office of the State Fire Marshal has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective or less burdensome to affected private persons than the proposed regulations.

COORDINATION WITH FEDERAL LAW

Federal law is not applicable in this case.